REMARKS

The Examiner is thanked for the due consideration given the application. Claims 18 and 20-34 are pending in the application.

Attached to this paper is an executed Declaration by Abdoel Faziel Rajabali, the first named inventor, which reflects the discussion of unexpected advantages set forth in the Amendment filed December 9, 2009. Therefore, no new issues are raised by the presentation of this Declaration.

Entry of this response is respectfully requested because it raises no new issues and places the application in condition for allowance.

Rejection Under 35 USC §103(a)

Claims 18 and 20-34 remain rejected under 35 USC §103(a) as being unpatentable over WESTRE et al. (U.S. Patent 6,114,050) in view of BEHR et al. (U.S. Patent 6,428,905). This rejection is respectfully traversed.

The present invention pertains to a laminate that is illustrated, by way of example, in Figures 1 and 2 of the application, which are reproduced below.

Fig 1

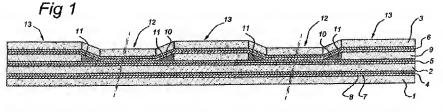
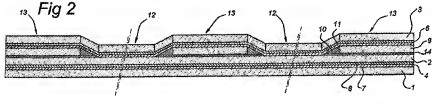


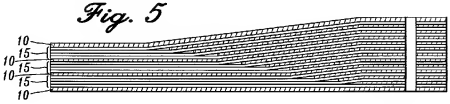
Fig 2



Figures 1 and 2 show metal layers (1-3, 9) and plastic bonding layers (4-6) situated between the metal layers (1-3, 9). Two external metal layers (1, 3) extending substantially continuously, and there is at least one internal metal layer (2, 9). At least one of the internal metal layers (9) has at least one opening (10) and, as is set forth in claim 1, "*in that at a position of the opening (10) the other metal layers (1-3) and the plastic bonding layers (4-6) are bonded together to form a packet of lower thickness,* ***and at least one of the openings (10) is peripherally closed.***"

In contrast, WESTRE et al. pertain to a hybrid laminate and skin panels of hybrid laminate. Figure 5 of WESTRE et al. is reproduced below.

Fig. 5



Column 1, lines 15-30 of BEHR et al. is referred to for teachings pertaining to double-layered sheets:

> Such double-layered sheets which are also known as burled sheets, are above all used in the construction of vehicles, because they are characterised by excellent rigidity at relatively low weight and within certain limits are still workable, in particular deep-drawable. The characteristic thickness of the cover sheets is less than 1 mm, in particular less than 0.5 mm; the characteristic thickness of the fill material is between 1 and 5 mm. In the known double-layered sheets various materials are inserted as fill material, for example perforated mats in particular made of plastic or cellulose, or perforated aluminium sheets. In the case of perforated mats or aluminium sheets, the burls of the burled sheet engage the holes of the mat.

By this, the Office Action maintains the view that the metal intermediate layer which has openings at the location of the spot welds of the outer layers 1, 2, can be transferred to the laminate according to WESTRE et al. without exercising inventive skill.

However, the subject matter of instant claim 1 would not have been fulfilled when combining WESTRE et al. and BEHR et al. The straightforward application of the teachings of BEHR et al. into the laminate of WESTRE et al. would result in the outer cover layers of WESTRE et al. being spot welded to each other. All intermediate metal layers would be perforated at such spot weld. After all, BEHR et al. do not teach to leave out the perforation in one or more of the intermediate metal layers.

Quite the contrary: BEHR et al. can only have a spot weld due to the fact that there is a perforation of the

intermediate layer, be it a metal layer or a layer of a different material, such as plastic.

Moreover, the fiber reinforced plastic layers of WESTRE et al. also appears to require perforation. This is so because fabricating a spot weld between the outer metal layers in the presence of non-perforated fiber reinforced plastic layers is a recipe for disaster. The presence of a plastic and fibers at the location of a spot weld would cause a mess, but not a proper spot weld.

From the above, it is clear that the combination of WESTRE et al. and BEHR et al. is far from obvious, and in any case would not lead the skilled person to the laminate according to the present invention. Present claim 18 expressly calls for the presence of both uninterrupted (that is non-perforated) metal layers as well as uninterrupted (non-perforated) fiber reinforced plastic layers at the laminate area of locally reduced thickness. Such a layout is only obtained after it has been discovered that the structure of the laminate can be left intact also at the spot of a locally reduced thickness area. The structure of a laminate is formed from alternately bonded metal layers and plastic reinforced bonding layers. Such a structure is lost as soon as the outer cover layers are spot welded, because the plastic reinforced bonding layers would be no longer present at the location of the spot weld.

The fully different approach of the present invention results from the problem with which the inventor was faced (see specification at page 1, lines 20-24): that is to provide a laminate which is lightweight (has as little as possible layers) on the one hand and, on the other hand, is fit for being connected to a frame and the like while avoiding stress concentrations (which fitting demands a relatively thick area).

The problem underlying BEHR et al. is to provide a better ratio between geometrical moment of inertia and weight per surface area, preventing buckling of the panel (column 1, lines 64-67). Thus, from the perspective of the problems underlying the present invention and BEHR et al., and the solutions obtained, there is neither an incentive for the skilled man to apply the teachings of BEHR et al.

Therefore, one of ordinary skill and creativity would fail to produce a claimed embodiment of the present invention from a knowledge of WESTRE et al. and BEHR et al. A *prima facie* case of unpatentability has thus not been made.

Moreover, the present invention achieves a result that is unexpected in light of the applied art, as is evidenced by the attached declaration.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

Prior Art of record but not utilized believed to be non-pertinent to the instant claims.

As no issues remain, the issuance of a Notice of Allowability is respectfully solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

- a 37 CFR 1.132 Declaration